

A RESOLUTION BY

61-R-2006

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF SIXTY-FIVE THOUSAND AND 00/100 DOLLARS (\$65,000.00) FOR DRY WEATHER DISCHARGED ON AUGUST 12, 2001 AND SEPTEMBER 11, 2001 FROM THE CITY OF ATLANTA TANYARD CREEK COMBINED SEWER OVERFLOW CONTROL FACILITY PURSUANT TO THE CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT, AND THE DEMAND FOR STIPULATED PENALTIES DATED NOVEMBER 1, 2001; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES; PAYMENT SHALL BE CHARGED TO AND PAID FROM FUND, ACCOUNT, CENTER NUMBER: 2J01-529017-M51001.

WHEREAS, on August 12, 2001 and September 11, 2001 the City experienced alleged dry weather overflows from the Tanyard Creek Combined Sewer Overflow Control Facility; and

WHEREAS, these overflows are being assessed stipulated penalties imposed at the discretion of the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the Consent Decree, Civil Action File No. 1:95-CV-2550-TWT, and the Demand for Stipulated Penalties dated November 1, 2001; and

WHEREAS, the Department of Public Works of the City does not dispute the fact that these discharges; and

WHEREAS, the payment to EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in account number 2J01-529017-M51001; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessment to them.

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

Section One: That the Chief Financial Officer of the City is authorized to issue a check in the amount of Sixty-Five Thousand and 00/100 Dollars (\$65,000.00) payable to the **State of Georgia (Department of Natural Resources)** as a stipulated penalty imposed at the discretion of the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

Section Two: That the said payments be chargeable to Account Number 2J01 529017 M51001.